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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,793	12/29/2003	James N. Tuozzo	JNT/01	6442

7590 09/08/2006

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EXAMINER

HENDERSON, MARK T

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/747,793	Applicant(s) TUOZZO, JAMES N.	
	Examiner Mark T. Henderson	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 21 is/are allowed.
6) ☒ Claim(s) 1,4-7,10,11,13,19 and 20 is/are rejected.
7) ☒ Claim(s) 2,3,8,9 and 14-18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1, 2, 7, and 18 have been amended for further examination. Claim 21 has been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7, 10, 11, 13, 19, and 20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Radmall et al (GB-210,259) in view of Hillmer-Mann.

Radmall et al discloses in Fig. 1 and 2 and In Attachment I, a paper fastening arrangement for use with a fastener including two ends each having a leg (10) extended therefrom, wherein the legs (10) are foldable relative to the base; a sheath comprising: an extension (8a) shaped to slideably engage one of the legs (as seen in Fig. 3); the extension including an opening (not shown) that defines a cavity (not shown) to receive the leg (10); wherein the extension includes a solid portion which partially covers the leg over the opening (as stated on Page 3, lines 25-30); at least one foldable guide tab (8b) depending from the extension; wherein the extension (8a) and the guide tab (8b) are sized to fit through hole-punched sheet materials; a retainer or retaining means (top portion of 10) to slideably engage with the sheath (8); wherein the retainer engages the guide tab (however, not directly) when the guide tab (8b) is parallel with the leg (10).

However, Radmall et al does not disclose a fastener with a base.

Hillmer-Mann discloses in Fig. 4, a fastener (34) with legs (36) and a base (38).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Radmall et al's fastener with a fastener with a base as taught by Hillmer-Mann for providing a alternative binding means to hold one side of the stack of sheets.

Allowable Subject Matter

3. Claim 21 is allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses or fairly suggest a paper fastener comprising a base with two ends each having a bendable prong extending therefrom; a prong cover to slideably engage and cover the prong; wherein the prong cover comprises an orifice to receive the prong and at least one tab hingedly depending from the orifice and terminating in a free end; and wherein the prong cover and tab are sized to fit through hole-punched sheet materials.

Radmall et al is the closest reference similar to applicant's claimed invention. However, Radmall et al does not disclose wherein the prong cover and tab are sized to fit through hole-punched sheet materials.

5. Claims 2, 3, 8, 9, 14-18 are finally objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Radmall et al as modified by Hillmer-Mann is now used to disclose a paper fastener having a base with two ends; a sheath comprising an extension engaging one of the legs; wherein the extension further includes a cavity, and wherein the extension and guide tab are sized to fit through hole-punched sheet materials.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

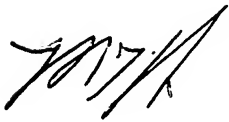
final action.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Erickson, Raisch, Henry, Simon, Jewell, Callander, and Miller disclose similar fasteners.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Monica Carter, can be reached at (571) 272-4475. The formal fax number for TC 3700 is (571) 273-8300.



MTH

August 30, 2006



MONICA CARTER
SUPERVISORY PATENT EXAMINER